IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.5769 OF 2004

Ajay Vijay Alhad & Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr.C.K.Pendse with Mr.P.B.Patil for Applicants.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 21, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Insofar as Applicant Nos.2 and 3 are concerned, it is seen that no identification parade has been held, whereas, when those Applicants were in police custody, they were shown to the witnesses, who in turn, have stated to have identified them. That cannot be said to be

identification parade, as is required by the provisions of law. Besides, no recovery of the weapon has been made from these Applicants. Indeed, cash and mobile has been recovered from these Applicants, but as there is no identification parade, these Applicants deserve to be enlarged on bail.

3. Insofar as Applicant No.1 is concerned, learned A.P.P. submits that there is no question of identification of Applicant No.1, as he was employed with the Complainant and was a known person. However, it is seen that the Applicant No.1 has been named as accused on suspicion of the complainant. No other incriminating material has been recovered at his instance. For that reason, even Applicant No.1 deserves to be enlarged on bail, especially because charge-sheet has been filed and investigation is complete. There is no possibility of early conclusion of the trial. Accordingly, the Application is allowed in respect of all the three Applicants, on the following terms:

(a) The Applicants are released on bail in connection with C.R.No.I-195/2004 registered with Ulhasnagar Police Station on executing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) each with two local sureties in the like amount.

(b) The Applicants shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicants shall report to the investigating officer once in fortnight on Saturday between 10.00 a.m. to 1.00 p.m.

(d) The Applicants shall co-operate the Trial Court for early disposal of the trial. If the Trial Court is of the opinion that the Applicants are in any manner responsible for causing delay in

disposal of the trial, that fact shall be recorded in the Roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

A.M.KHANWILKAR, J.